

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEBRA A. CANADY, )  
 ) CASE NO. C14-0682-RSL-MAT  
Petitioner, )  
 )  
v. ) REPORT AND RECOMMENDATION  
 )  
JANE PARNELL, )  
 )  
Respondent. )  
\_\_\_\_\_ )

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner, through counsel, filed her federal habeas petition on May 6, 2014. (*See* Dkt. 1.) The Court thereafter issued an Order directing that the petition be served on respondent and that respondent file an answer thereto. (Dkt. 4.) Respondent filed a timely answer to the petition on June 25, 2014, and the matter was noted on the Court’s calendar for consideration on July 18, 2014. (Dkt. 8.) Respondent argued in her answer that the petition was untimely and that the single claim presented failed to state a federal constitutional ground for relief. (*See id.*)

On July 15, 2014, petitioner submitted a request to voluntarily withdraw her petition and she asks therein that the Court enter an order of dismissal without prejudice. (*See* Dkts. 11

01 and 12.) Respondent has indicated that she does not oppose petitioner's request. (Dkt. 13.)

02 Based on the foregoing, this Court recommends that petitioner's request to voluntarily  
03 withdraw her federal habeas petition be granted and that this action be dismissed without  
04 prejudice. A proposed order accompanies this Report and Recommendation.

05 DATED this 8th day of August, 2014.

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08 Mary Alice Theiler  
09 Chief United States Magistrate Judge  
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